

## **REMARKS**

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 9-14 are now present in the application. Claims 1-8 have been cancelled. Claim 9 is independent. Reconsideration of this application, as amended, is respectfully requested.

### **Allowable Subject Matter**

The Examiner has indicated that claims 9-14 are allowed. Applicants greatly appreciate the indication of allowable subject matter by the Examiner.

### **Election/Restrictions**

The Examiner has issued an Election of Species Requirement between the following species:

Species 1: Apparatus for forming a nano grating device: claims 1-5 and 7; and

Species 2: Apparatus for forming a nano grating device wherein the substrate is directly in contact with the flat surface of the hemi-sphere lens.

Since all pending claims excluding allowed claims 9-14 have been cancelled to expedite the patent prosecution, Applicants respectfully submit that the Election Requirement has been obviated and/or rendered moot. Reconsideration of the Election of Species requirement is requested.

### **Claim Rejections Under 35 U.S.C. § 103**

Claims 1-5 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hobbs, U.S. Patent No. 6,185,019. This rejection is respectfully traversed.

Since claims 1-5 and 7 have been cancelled to expedite the patent prosecution, Applicants respectfully submit that this rejection has been obviated and/or rendered moot.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 are respectfully requested.

### **CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but merely to show the state of the prior art, no further comments are necessary with respect thereto.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

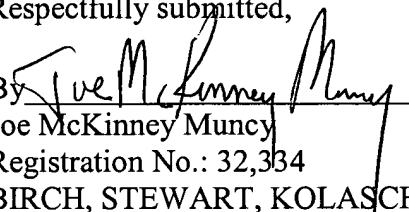
In the event there are any matters remaining in this application, the Examiner is invited to contact Joe McKinney Muncy, Registration No. 32,334 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: November 8, 2005

Respectfully submitted,

By

  
Joe McKinney Muncy

Registration No.: 32,334

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

